

Supreme Court of Kentucky


ORDER

**IN RE: ORDER APPROVING DOMESTIC VIOLENCE PROTOCOL FOR THE
29th JUDICIAL CIRCUIT AND DISTRICT, ADAIR AND CASEY
COUNTIES**

Upon recommendation of the Judges of the 29th Judicial Circuit and District,
Adair and Casey Counties and being otherwise sufficiently advised,

The Domestic Violence Protocol for Adair and Casey Counties is hereby
approved. This order shall be effective as of the date of this Order, and shall remain in
effect until further orders of this court.

Entered this the 2nd day of April 2009.



CHIEF JUSTICE JOHN D. MINTON, JR.

29TH JUDICIAL CIRCUIT
29TH JUDICIAL DISTRICT
ADAIR AND CASEY COUNTIES

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION
DOMESTIC VIOLENCE PROTOCOL FOR THE
29TH JUDICIAL CIRCUIT

I. DURING OFFICE HOURS

ADAIR: 8:00AM - 4:00PM Monday - Friday

CASEY: 8:00AM - 4:30PM Monday, Tuesday, & Friday

8:00AM - 4:00PM Wednesday & Thursday

All domestic violence petitions or motions shall be filed with the District Clerk, who has been designated by the Circuit Clerk as the Clerk of the Domestic Violence Session.

The Clerk so designated shall assign the matter as follows:

(1) If no dissolution action is pending in this Circuit Court, the matter shall be docketed in the District Court's Domestic violence session. The clerk shall deliver the appropriate documents to the District Judge, Trial Commissioner, or Circuit Judge, if no District Judge or Trial Commissioner is available. The matter will remain on the District Court docket for further process.

(2) If a dissolution is pending within the Circuit Court or is filed contemporaneously, the District Clerk shall cause the petition and/or motions to be reassigned to the Circuit Judge whose judge number will be placed on the file. The Clerk shall deliver the appropriate documents to the Circuit Judge for consideration and action thereon. If a Circuit Judge is unavailable, the Clerk may seek the consideration of a District Judge or if no District Judge is available, a Trial Commissioner. If an EPO is issued, the Clerk shall schedule a domestic violence hearing for the Circuit Court's next motion docket—if the docket falls within the following 14 days. If the next Circuit Court motion docket is in excess of 14 days, then the clerk shall docket the matter on the next District Court docket. Then, and in that event, the District Judge shall limit the time of any order to 30 days or less.

(3) The Domestic Violence Protocol of these Courts do adopt the Uniform Protocol for handling Domestic Violence cases, a copy of which is attached hereto.

(4) If a Petition is filed in this county and it is later discovered that a dissolution/child custody case is pending in another county, then and in that event the case should be immediately transferred to that county.

II. DURING NON-OFFICE HOURS:

(1) If no dissolution action is pending in this Circuit Court, the District Judge shall be contacted to consider the petition and/or motions. Hearings shall be scheduled in the district court on the next available Domestic Violence session of the court. If no District Judge is available the Circuit Judge may act for the District Court. If neither is available a Trial Commissioner may be contacted.

(2) If a dissolution action is pending in the Circuit Court, the Circuit Judge shall be contacted to consider the petition and/or motions. If no Circuit Judge is available, the procedures outlines in I (2) above shall be followed.

III. HEARINGS

If while a Domestic Violence matter is pending in the District Court, a dissolution proceeding is filed in this Circuit Court, the presiding District Judge may in his discretion enter or continue such protective orders and process deemed necessary and reassign the matter for final hearing to this Circuit Court.

IV. CONTEMPT PROCEEDINGS

(1) If a Domestic Violence Order (DVO) or Emergency Protective Order (EPO) is issued or modified by the Circuit Court, the District Court shall docket the matter for hearing in Circuit Court at the Circuit Judge's regular motion hour.

(2) If a DVO or EPO is issued by the District Court and not modified by the Circuit Court then the District Court shall conduct contempt proceedings EVEN IF a dissolution action is pending in Circuit Court.


V. CRIMINAL CHARGES

The District Court shall arraign and proceed with trial and final disposition of the Defendant charged with the criminal offense of violating DVO EVEN IF the order was issued or modified by the Circuit Court.


VI. 24 HOUR ACCESSIBILITY

The 24 hour accessibility protocol for each county in the judicial district (Adair and Casey) are attached hereto and are hereby incorporated by reference as if set out fully herein.

Approved this the 5 day of February 2009, by James G. Weddle, Circuit Judge, and Michael Loy, District Judge, to be effective immediately.



JAMES G. WEDDLE
Circuit Judge



MICHAEL LOY
District Judge

**COMMONWEALTH OF KENTUCKY
29TH JUDICIAL DISTRICT
ADAIR DISTRICT COURT**

**PROCEDURES FOR 24 HOUR ACCESSIBILITY
TO EMERGENCY PROTECTIVE ORDERS**

Pursuant to KRS 403.730, after regular office hours, on weekends or holidays, the Adair Circuit Clerk and all of his sworn deputies; the Adair County Sheriff and all of his sworn deputies; the Adair County Attorney and the Adair County Attorney's Office Staff; the Chief of Police for the City of Columbia and all sworn officers within his department; and any Kentucky State Police officers assigned to Adair County, are hereby authorized to provide Domestic Violence Petitions to any person seeking same. Further, all said persons are hereby authorized to verify said Domestic Violence Petitions for the persons seeking same.

Any above authorized person who comes in receipt of a completed Domestic Violence Petition is authorized to administer an oath affirming the truthfulness of the contents of the petition, to the person completing same, and shall have said person sign their name to the said petition. The person so administering said oath shall also affix their signature and office position to said petition in witness and in verification of said oath.

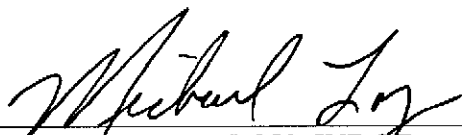
Said sworn Domestic Violence Petition shall then immediately be presented, by the person verifying same, to any on-duty Adair County Sheriff or Deputy Sheriff, any on-duty Adair County Police Officer, or any on-duty Kentucky State Police Officer who shall then immediately present same to any Adair District Judge or Adair Circuit Judge who is found within Adair County, Kentucky. If no Judge can be found in Adair County, Kentucky, said shall immediately present said petition to any District Judge, Circuit Judge, or Trial Commissioner within the 29th Judicial District (Adair and Casey Counties).

The following protocol is suggested in obtaining judicial review of verified petitions and the issuance of Emergency Protective Orders: District Judge, Michael Loy; Circuit Judge, James G. Weddle (based on geographic considerations).

In the event no Judge can be found within the 29th Judicial District, the said petition may be

presented to any District Judge or Circuit Judge in any surrounding county, who may sign and issue a Domestic Violence Emergency Order if deemed appropriate.

This the 4th day of February 2009.

A handwritten signature in black ink, appearing to read "Michael Loy", is written over a horizontal line.

HON. MICHAEL LOY, JUDGE
ADAIR DISTRICT COURT

**COMMONWEALTH OF KENTUCKY
29TH JUDICIAL DISTRICT
CASEY DISTRICT COURT**

**PROCEDURES FOR 24 HOUR ACCESSIBILITY
TO EMERGENCY PROTECTIVE ORDERS**

Pursuant to KRS 403.730, after regular office hours, on weekends or holidays, the Casey Circuit Clerk and all of his sworn deputies; the Casey County Sheriff and all of his sworn deputies; the Casey County Attorney and the Casey County Attorney's Office Staff; the Chief of Police for the City of Liberty and all sworn officers within his department; and any Kentucky State Police officers assigned to Casey County, are hereby authorized to provide Domestic Violence Petitions to any person seeking same. Further, all said persons are hereby authorized to verify said Domestic Violence Petitions for the persons seeking same.

Any above authorized person who comes in receipt of a completed Domestic Violence Petition is authorized to administer an oath affirming the truthfulness of the contents of the petition, to the person completing same, and shall have said person sign their name to the said petition. The person so administering said oath shall also affix their signature and office position to said petition in witness and in verification of said oath.

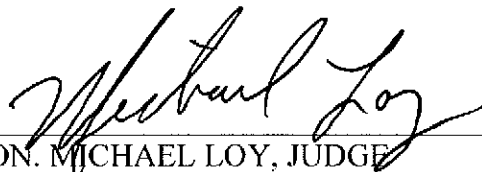
Said sworn Domestic Violence Petition shall then immediately be presented, by the person verifying same, to any on-duty Casey County Sheriff or Deputy Sheriff, any on-duty Casey County Police Officer, or any on-duty Kentucky State Police Officer who shall then immediately present same to any Casey District Judge or Casey Circuit Judge who is found within Casey County, Kentucky. If no Judge can be found in Casey County, Kentucky, said shall immediately present said petition to any District Judge, Circuit Judge, or Trial Commissioner within the 29th Judicial District (Adair and Casey Counties).

The following protocol is suggested in obtaining judicial review of verified petitions and the issuance of Emergency Protective Orders: District Judge, Michael Loy; Trial Commissioner, Jerry Foster; Circuit Judge, James G. Weddle (based on geographic considerations).

In the event no Judge can be found within the 29th Judicial District, the said petition may be

presented to any District Judge or Circuit Judge in any surrounding county, who may sign and issue a Domestic Violence Emergency Order if deemed appropriate.

This the 4th day of February 2009.

A handwritten signature in cursive script, reading "Michael Loy", written in black ink.

HON. MICHAEL LOY, JUDGE
CASEY DISTRICT COURT

Supreme Court of Kentucky

KENTUCKY COURT OF JUSTICE UNIFORM PROTOCOL FOR DOMESTIC VIOLENCE CASE FILES

I. Statewide Procedure for Domestic Violence Petitions

All domestic violence petitions shall be assigned a domestic violence "D" case number with the appropriate trailer number, if any, regardless of who (District Court Judge, Family Court Judge, Circuit Court Judge or Trial Commissioner) reviews the petition and orders the case filed.

- A. This procedure shall apply to petitions filed during the pendency of a dissolution or child custody proceeding.
- B. If a verified motion alleging an act of domestic violence is filed in a dissolution or child custody proceeding, an AOC-275.1 (Domestic Violence Petition) must be filed with the motion pursuant to KRS 403.730(2). The petition shall be assigned a domestic violence "D" case number with the appropriate trailer number.
- C. The judge number of the judge reviewing the petition and ordering the case filed shall be entered on the case screen as the opening judge.

II. Procedure in Jurisdictions WITH a FAMILY COURT

- A. Domestic Violence Petitions Filed During Regular Office Hours.
 - 1. At the time the case is opened, the Circuit Clerk shall check the index of circuit court cases to ascertain if a dissolution or child custody proceeding is pending.
 - 2. The Circuit Clerk shall deliver the petition to a District Judge unless the local domestic violence protocol approved by all the Circuit, Family and District Judges in the judicial circuit and approved by the Supreme Court provides otherwise.
 - 3. If an Emergency Protection Order (EPO) is issued, the Circuit Clerk shall file the Petition as a domestic violence "D" case in Family Court and schedule a domestic violence hearing with the appropriate Family Court Judge.
 - 4. If it is determined a dissolution or child custody proceeding is pending and an EPO is issued, the Circuit Clerk shall

cross-reference the "D" case with the dissolution or child custody case. Additionally, if a domestic violence order (DVO) is issued, upon entry, the Circuit Clerk shall place a copy of the EPO/DVO in the dissolution or child custody case file.

B. Domestic Violence Petitions Filed After Regular Office Hours and Weekends.

1. Any person authorized to take the domestic violence petition shall call the appropriate Trial Commissioner or District Judge unless otherwise directed by local protocol which has been approved by all the Circuit, Family and District Court Judges in the judicial circuit and approved by the Supreme Court for review and determination of emergency protective action.
2. Upon receipt by the Circuit Clerk of a verified domestic violence petition taken after business hours or during a weekend, for which a domestic violence hearing has been scheduled with the Family Court Judge, the Circuit Clerk shall check the circuit court case index to ascertain if a dissolution or child custody proceeding is pending.
3. The Circuit Clerk shall file the petition (and any EPO issued) as a domestic violence "D" case in the Family Court, regardless of which District Judge, Trial Commissioner, Circuit Judge or Family Court Judge ordered the filing of the petition. The Circuit Clerk shall calendar the hearing by completing a scheduled event screen in the case management system.
4. If it is determined a dissolution or child custody proceeding is pending, the Circuit Clerk shall notify the Family Court Judge of the pendency of same. The Clerk shall cross-reference the "D" case with the dissolution or child custody case. Additionally, a copy of the DVO shall be placed in the dissolution or child custody case file.
5. If reassignment to another county is required by local domestic violence protocol, the issuing judge shall continue reissuing the EPO until the matter can be heard by the Judge in the other county, in accordance with KRS 403.740(4).

III. Procedure for Jurisdictions in which there is NO FAMILY COURT

A. Domestic Violence Petitions Filed During Regular Office Hours.

- 1. At the time the case is opened the Circuit Clerk shall check the index of circuit court cases to ascertain if a dissolution or child custody proceeding is pending.**
 - a. If no dissolution of child custody proceeding is pending, the Circuit Clerk shall deliver the petition to the District Judge or Trial Commissioner, or to the Circuit Judge if no District Judge or Trial Commissioner is available. If an EPO is issued, the Clerk shall file the petition as a domestic violence "D" case and schedule a domestic violence hearing with the appropriate District Judge as directed by local domestic violence protocol.**
 - b. If it is determined a dissolution or child custody proceeding is pending in Circuit Court, the Circuit Clerk shall deliver the petition to the District Judge, Trial Commissioner, or Circuit Judge, as directed by local domestic violence protocol.**
 - i. If an EPO is issued the Circuit Clerk shall file the petition as a domestic violence "D" case and schedule a domestic violence hearing as directed by local protocol.**
 - ii. The Circuit Clerk shall cross-reference the "D" case with the dissolution or child custody case. Additionally, if a DVO is issued, upon entry, the Clerk shall place a copy of the EPO/DVO in the Circuit Court dissolution or child custody case file.**

B. Domestic Violence Petitions Filed After Regular Office Hours and Weekends.

- 1. Upon receipt by the Circuit Clerk of a verified domestic violence petition taken after regular business hours or during a weekend, and for which a domestic violence hearing has already been scheduled with the District Judge, the Clerk shall check the index of Circuit Court cases to ascertain if a dissolution or child custody proceeding is pending.**
 - a. If no dissolution or child custody proceeding is pending, the Clerk shall file the petition (and any EPO**

issued) as a domestic violence "D" case in the District Court, regardless of which District Judge, Trial Commissioner or Circuit Judge ordered the filing of the petition. The Clerk shall calendar the hearing by completing a scheduled event screen in the case management system.

- b. If it is determined a dissolution or child custody proceeding is pending in Circuit Court, the Clerk shall notify the District Judge of the pendency of same. The District Judge shall conduct the scheduled domestic violence hearing and reassign the "D" case to the Circuit Judge at the hearing if so required by local domestic violence protocol.
 - c. If reassignment is required by local protocol, the District Judge shall continue reissuing the EPO until the matter can be heard by the Circuit Judge, in accordance with KRS 403.740(4).
2. If reassignment is not required by local domestic violence protocol and a DVO is issued in District Court, the Clerk shall cross-reference the "D" case with the dissolution or child custody case. Additionally, a copy of the DVO shall be placed in the Circuit Court dissolution or child custody case file.

ENTERED JUNE 17, 2003